

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHARLES ELLIS,

Plaintiff,

v.

COUNTY OF KERN, *et al.*,

Defendants.

Case No. 1:22-cv-00436-BAM (PC)

ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS*
(ECF No. 2)

ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY THE LERDO
JUSTICE FACILITY

Plaintiff Charles Ellis ("Plaintiff") is a county jail inmate proceeding *pro se* in this civil rights action under 42 U.S.C. § 1983.

On April 14, 2022, Plaintiff filed a motion to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, together with a copy of a receipt for a purchase made with his inmate trust account on April 5, 2022. (ECF No. 6.) The receipt shows a remaining balance of \$2.47 after the purchase. (*Id.* at 3.) Plaintiff wrote on the receipt that he has attempted to retrieve his trust account statement, but he has only been in custody for two months and this is his latest trust statement. In addition, Plaintiff states that the prison will not answer his request to send him a print out for two weeks now. (*Id.*) The Court accepts the receipt as sufficient evidence of Plaintiff's trust account balance as of the date of filing of this suit.

Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed *in forma pauperis* will be granted. Plaintiff is obligated to pay the statutory filing fee of

1 \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments
2 in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's
3 trust account. The Lerdo Justice Facility is required to send to the Clerk of the Court payments
4 from Plaintiff's trust account each time the amount in the account exceeds \$10.00, until the
5 statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Plaintiff's application to proceed *in forma pauperis*, (ECF No. 2), is GRANTED;

8 **2. The Warden/Sheriff of the Lerdo Justice Facility or his or her designee shall**
9 **collect payments from Plaintiff's prison trust account in an amount equal to twenty**
10 **percent (20%) of the preceding month's income credited to the prisoner's trust**
11 **account and shall forward those payments to the Clerk of the Court each time the**
12 **amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2),**
13 **until a total of \$350.00 has been collected and forwarded to the Clerk of the Court.**
14 **The payments shall be clearly identified by the name and number assigned to this**
15 **action;**

16 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
17 Plaintiff's *in forma pauperis* application on the Warden/Sheriff of the Lerdo Justice
18 Facility, via the United States Postal Service; and

19 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
20 Department, U.S. District Court, Eastern District of California.

21 IT IS SO ORDERED.
22

23 Dated: April 18, 2022

24 /s/ Barbara A. McAuliffe
25 UNITED STATES MAGISTRATE JUDGE
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